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Legislative Bulletin.....November 18, 2003

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Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 5

Total Cost of Discretionary Authorizations: In excess of \$627 million over 5 years

Total Amount of Revenue Reductions: None

Total Increase in Mandatory Spending: Unclear, since S. 1156 may impact direct spending

Total New State & Local Government Mandates: None

Total New Private Sector Mandates: None

H.R. 135—Twenty-First Century Water Commission Act (Linder)

Order of Business: The bill is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 135 would authorize \$9 million for the creation of a nine-member “Twenty-First Century Water Commission,” which would:

- use existing water assessments and conduct such additional assessments as may be necessary to project future water supply and demand;
- study current water management programs of federal, interstate, state, and local agencies, and private sector entities directed at increasing water supplies and improving the availability, reliability, and quality of freshwater resources; and
- consult with representatives of such agencies and entities to develop recommendations consistent with laws, treaties, decrees, and interstate compacts for a comprehensive water strategy.

The Commission would have to report to Congress and the President within three years, after which time the Commission would be disbanded.

Committee Action: On September 24, 2003, the Resources Committee marked up and reported the bill by unanimous consent.

Cost to Taxpayers: The bill would authorize appropriations of \$9 million over three years for the Commission.

Does the Bill Create New Federal Programs or Rules?: Yes—one new commission.

Constitutional Authority: The Resources Committee, in House Report 108-309, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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H.R. 2584—To provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (*Faleomavaega*)

Order of Business: The bill is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2584 would authorize the Secretary of Commerce to convey to the Utrok Atoll local government (in the Republic of the Marshall Islands), without consideration, a decommissioned National Oceanic and Atmospheric Administration ship in operable condition (presumably the McArthur, which was decommissioned on May 20, 2003). The

ship would be used to help transport the residents of the Utrok Atoll the 250-mile distance to the nearest radioactivity testing facility. [Nuclear testing used to be done in the area.]

Committee Action: On October 29, 2003, the Resources Committee marked up and reported the bill by unanimous consent.

Cost to Taxpayers: CBO confirms that this bill would have no significant impact on the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Resources Committee, in House Report 108-378, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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**H.Res. 453—Condemning the terrorist attacks in Istanbul, Turkey, on
November 15, 2003, expressing condolences to the families of the
individuals murdered and expressing sympathies to the individuals injured
in the terrorist attacks, and standing in solidarity with Turkey in the fight
against terrorism (Hastings of FL)**

Order of Business: The resolution is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 453 would resolve that the House:

- “condemns in the strongest possible terms the terrorist attacks in Istanbul, Turkey, on November 15, 2003;
- “expresses its deepest condolences to the families of the individuals murdered in the terrorist attacks and expresses sympathies to the individuals injured in the attacks and conveys its hope for the rapid and complete recovery of all such injured individuals; and
- “urges the United States, Turkey, and all other countries to stand united against terrorism that targets the civilized world and to work together to bring to justice the perpetrators of the terrorist attacks in Istanbul, Turkey.”

Note: the resolution does not currently reference the terrorist attacks against British interests in Istanbul on November 20, 2003; however, the resolution will presumably be amended accordingly before it reaches the House floor.

Additional Background: In Istanbul, Turkey, on November 15, 2003, two explosions, set off two minutes apart, devastated the city's largest synagogue and symbolic center to the city's 25,000 member Jewish community and another synagogue about three miles away. 20 people, both Jews and Muslims, were killed, and scores of other people were injured.

On November 20, 2003, two bombings against British interests in Istanbul killed another several dozen people and injured hundreds more.

Committee Action: The resolution was referred to the International Relations Committee but was not considered.

Administration Position: President Bush strongly condemned the Istanbul attacks.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 3181—Predisaster Mitigation Program Reauthorization Act (LaTourette)

Order of Business: The bill is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3181 would:

- reauthorize the Predisaster Mitigation Program (PDM) through September 30, 2006;
- increase the percentage of total federal disaster funds for an area that are Hazard Mitigation Grant Program (HMGP) funds from 7.5% to 15%;
- allow the President to provide additional repair assistance to an individual or household that is unable to complete certain repairs using insurance proceeds, loans, or other financial assistance, including assistance from the Small Business Administration; and
- require the completion of a CBO study of the cost-effectiveness of the HMGP by September 30, 2005.

Additional Background: The HMGP authorizes the President to contribute up to 75% of the cost of hazard mitigation measures, which “substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster.”

Committee Action: On October 1, 2003, the Transportation and Infrastructure Committee marked up and reported the bill to the full House by voice vote.

Cost to Taxpayers: CBO estimates that this bill would authorize new appropriations of **\$312 million** over two years (\$154 million in FY2005 and \$158 million in FY2006).

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-340, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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H.Con.Res. 206—Supporting the National Marrow Donor Program and other bone marrow donor programs and encouraging Americans to learn about the importance of bone marrow donation (Burgess)

Order of Business: The resolution is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 206 would resolve that Congress:

- “supports the goals and ideals of the National Marrow Donor Program and other bone marrow donor programs; and
- “encourages all Americans to learn about the importance of bone marrow donation and to discuss such donation with their families and friends.”

Committee Action: On June 4, 2003, the resolution was referred to the Energy and Commerce Committee but was never considered.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 1964—Highlands Stewardship Act (Frelinghuysen)

Order of Business: The bill is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1964 would establish two new programs to fund conservation activities in the Highlands region of the United States. The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

Under the first program Governors from the Highlands region submit a list of conservation projects to the Secretary of the Interior. The Department of the Interior is authorized to fund up to 50% of the cost of the projects provided the projects meet certain requirements, including assurances of the permanent protection and use of the land for the purpose for

which the assistance was provided. There is authorized \$10 million a year for each of the fiscal year 2005-2014 to carryout this program.

The second program authorizes \$1 million a year for fiscal years 2005 through 2014 for the Department of Agriculture and the Forest Service to conduct studies and provide technical assistance to Highland states, units of local government and individual citizens.

The bill includes some protections regarding access to private property and ensuring the participation of private landowners.

Committee Action: The bill was reported by the Resources Committee reported an amended version of the bill by voice vote on October 29, 2003.

Cost to Taxpayers: CBO estimates that implementing H.R. 1964 would cost \$44 million through 2008 (and an additional \$66 million over the 2009–2014 period), assuming appropriation of the authorized amounts.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates two new programs.

Constitutional Authority: The Committee cites Article I, Section 8 (no reference to specific authority), and Article IV, Section 3 (make rules regarding federal property) of the Constitution.

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S. 1152— United States Fire Administration Reauthorization Act of 2003 (Sen. McCain)

Order of Business: The bill is scheduled to be considered on Friday, November 21st, under a motion to suspend the rules and pass the bill.

Summary:

The bill re-establishes the position of Administrator of the United States Fire Service. The position was eliminated as part of the legislation creating the Department of Homeland Security.

The bill authorizes appropriations for the United States Fire Service for Fiscal Year (FY) 2004 through FY 2008 at the following levels:

\$63,000,000 for fiscal year 2005,
\$64,850,000 for fiscal year 2006,
\$66,796,000 for fiscal year 2007, and
\$68,800,000 for fiscal year 2008.

The bill authorizes the Administrator to conduct a program of development, testing, and evaluation of methods of containing insect infested forest fires and limiting dispersal of resultant fine particle smoke, and methods for measuring and tracking the dispersal of fine particle smoke resulting from fires of insect infested fuel.

The bill directs the Administrator, in consultation with others, to develop new, and utilize existing, measurement techniques and testing methodologies for evaluating the performance of new firefighting technologies, including--

- (1) personal protection equipment;
- (2) devices for advance warning of extreme hazard;
- (3) equipment for enhanced vision;
- (4) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;
- (5) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;
- (6) equipment and methods for training, especially for virtual reality training; and
- (7) robotics and other remote-controlled devices.

For equipment for which applicable voluntary consensus standards have been established, the Administrator would be directed to require, by regulation, that equipment purchased through the Assistance to Firefighters Grant Program meet or exceed applicable voluntary consensus standards.

The bill also requires the Administrator, after consultation with the Under Secretary for Emergency Preparedness and Response at the Department of Homeland Security, to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies. These mutual aid systems would include threat assessment and equipment deployment strategies and include means of collecting asset and resource information to provide accurate and timely data for regional deployment.

The bill also expands the authorization for the Administrator to conduct training.

Committee Action: A similar bill, H.R. 2692, was reported by the House Science Committee

Cost to Taxpayers: Assuming appropriation of the amounts authorized in S. 1152, CBO estimates that implementing the bill would cost \$262 million over the 2004-2008 period and an additional \$73 million after that period

Does the Bill Create New Federal Programs or Rules?: Yes.

Constitutional Authority: Senate Rules do not require Committees to identify the Congressional Authority for their bills.

RSC Staff Contact: Neil Bradley; x6-9717

S. 1156—Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Specter)

Order of Business: The bill is expected to be considered on Thursday, November 20th, under a motion to suspend the rules and pass the bill.

Summary: Provided by the Senate:

TITLE I—HEALTH CARE AUTHORITIES AND RELATED MATTERS

1. Authorize former prisoners of war to receive outpatient dental care from VA, irrespective of the number of days detained in captivity.
2. Eliminate copayments for pharmaceuticals administered to former prisoners of war.
3. Authorize VA to provide veterans who participated in tests conducted by the Department of Defense (DOD) Deseret Test Center from 1962 through 1973 higher priority for hospital care, medical services and nursing home care without requirement for proof of service-connection through December 31, 2005.
4. Authorize VA to provide hospital and nursing home care and medical services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines "New Scouts" who permanently reside in the United States, in the same manner as provided to U.S. veterans.
5. Expand VA authority to provide rehabilitative work skills training and development services, employment support services and job development and placement services.
6. Authorize VA to enter into "provider agreements" with non-VA entities to provide veterans with institutional nursing care or non-institutional extended care in a manner similar to such agreements permitted under the Social Security Act.
7. Extend VA's authority to provide a range of non-institutional extended care services as set forth in *P.L. 106-117* through December 31, 2008.
8. Extend the mandate to provide medically necessary, institutional nursing care services to severely service-connected disabled veterans through December 31, 2008.
9. Expand and extend VA authority to conduct a pilot program on assisted living for veterans.
10. Increase funding authorization for each of fiscal years 2004 through 2006 from \$15,000,000 to \$25,000,000 for the provision of specialized mental health services to veterans.

TITLE II—CONSTRUCTION AND FACILITIES MATTERS

1. Increase from \$4,000,000 to \$7,000,000 the threshold that classifies a medical facility construction project as "major construction."
2. Streamline the process and notification requirements in title 38, United States Code, when the Veterans Health Administration (VHA) proposes an enhanced-use lease of VA properties no longer needed for the delivery of care to veterans
3. Authorize individual VHA facilities to be reimbursed for expenses incurred in the development and execution of enhanced-use leases.
4. Simplify the reporting of the Annual Report on Long-Range Health Planning.
5. Authorize \$14,500,000 for the construction of a long-term care facility in Lebanon, Pennsylvania.
6. Authorize \$20,000,000 for the construction of a long-term care facility in Beckley, West Virginia.
7. Authorize \$98,500,000 for the construction of a new bed tower in Chicago, Illinois.
8. Authorize \$48,600,000 for the correction of seismic deficiencies in San Diego, California.
9. Authorize \$50,000,000 for medical care and research renovations in West Haven, Connecticut.
10. Authorize \$45,000,000 for the construction of a VA-Navy outpatient medical care facility in Pensacola, Florida.
11. Authorize a lease in the amount of \$3,000,000 for an outpatient clinic in Charlotte, North Carolina.
12. Authorize a lease in the amount of \$2,879,000 for an outpatient clinic extension in Boston, Massachusetts.
13. Authorize advance planning in the amount of \$26,000,000 for a major medical facility project in Denver, Colorado.
14. Authorize advance planning in the amount of \$9,000,000 for a major medical facility project in Pittsburgh, Pennsylvania.
15. Authorize advance planning in the amount of \$25,000,000 for a major medical facility project in Las Vegas, Nevada.
16. Authorize advance planning in the amount of \$9,000,000 for a major medical facility project in Columbus, Ohio
17. Authorize advance planning in the amount of \$17,500,000 for a major medical facility project in East Central, Florida.
18. Authorize a total of \$276,600,000 for fiscal year 2004 for the construction of the projects designated in Section 211.

19. Authorize a total of \$86,500,000 for the advance planning authorized in Section 213.
20. Authorize VA to carry out major construction projects in connection with the Capitol Asset Realignment for Enhanced Services (CARES) initiative no sooner than 45 days or 30 days of continuous session of Congress following the submission of a one-time report to Congress by February 1, 2004, that lists each proposed major construction project in order of priority, with such priority established in Section 221(2).
21. Require VA to notify Congress in writing of actions proposed under the CARES initiative that would result in medical facility closures, significant staff realignments or medical facility consolidations and prohibit such actions from occurring until 60 days following the notification or 30 days of continuous session of Congress.
22. Express the sense of Congress of the difficulties that veterans residing in rural areas encounter in gaining access to VA health care facilities and require VA to report actions to be taken to improve rural access to care.
23. Require VA to develop a plan for meeting the future inpatient hospital care needs of veterans who reside in southern New Jersey.
24. Require VA to develop a plan for meeting the future hospital care needs of veterans who reside in southern Texas.
25. Require VA to develop a plan for meeting the future hospital care needs of veterans who reside in north central Washington.
26. Require VA to develop a plan for meeting the future hospital care needs of veterans who reside in the Panhandle area of Florida.
27. Require VA to submit a report on each plan developed under Section 231(a) to the Senate and House Committees on Veterans' Affairs by April 15, 2004.
28. Require VA to conduct a feasibility study in coordination with the Medical University of South Carolina and in consultation with DOD to consider establishing a joint health-care venture to deliver inpatient, outpatient and/or long-term care to veterans, DOD, and other beneficiaries who reside in Charleston, South Carolina, with a report to the Committees by April 15, 2004.
29. Authorize VA to name the VA Medical Center in Prescott, Arizona, the Bob Stump Department of Veterans Affairs Medical Center.
30. Authorize VA to name the VA Medical Center (West Side Division) in Chicago, Illinois, the Jesse Brown Department of Veterans Affairs Medical Center.
31. Authorize VA to name the VA Medical Center in Houston Texas, the Michael E. DeBakey Department of Veterans Affairs Medical Center.
32. Authorize VA to name the VA Medical Center in Salt Lake City, Utah, the George E. Wahlen Department of Veterans Affairs Medical Center.
33. Authorize VA to name the outpatient clinic in New London, Connecticut, the John J. McGuirk Department of Veterans Affairs Outpatient Clinic.

34. Authorize VA to name the outpatient clinic in Horsham, Pennsylvania, the Victor J. Saracini Department of Veterans Affairs Outpatient Clinic.

TITLE III—PERSONNEL MATTERS

1. Modify the authorities on appointment and promotion of certain personnel in the Veterans Health Administration.
2. Authorize VA to appoint chiropractors as clinical practitioners in the Veterans Health Administration under title 38, United States Code, and set various conditions and requirements associated with these appointments.
3. Authorize premium pay for Saturday duty to additional Veterans Health Administration health care workers with direct patient-care responsibilities.
4. Allow employees of the Veterans' Canteen Service to be considered for appointment in VA positions in the competitive service in the same manner as VA employees in the competitive service are considered for transfer to a Canteen Service position.

TITLE IV—OTHER MATTERS

1. Establish within the Veterans Health Administration (VHA) an Office of Research Oversight to monitor, review and investigate matters of medical research compliance and assurance in the Department of Veterans Affairs (VA), including matters relating to the protection and safety of human subjects and VA employees participating in VA medical research programs. Require various reports to the Congress concerned with this new office.
2. Cover employees of Nonprofit Research Corporations under the Federal Tort Claims Act.
3. Extend authority to establish Nonprofit Research Corporations through December 31, 2008.
4. Authorize DOD to purchase medical equipment, services and supplies through VA's revolving supply fund, and require DOD to reimburse VA's supply revolving fund for any DOD purchases using DOD appropriations.
5. Extend VA's authority to provide certain housing assistance for homeless veterans through December 31, 2008.
6. Change the reporting date requirements on several reports VA is required to make to Congress.

Additional Background: S. 1156 is a compilation of several bills introduced in the 108th Congress, most of which have not been considered by Committee. One bill incorporated into S. 1156, H.R. 2433, passed the House of Representatives on September 10 by voice vote. Another, H.R. 1720, passed the House on October 29 by a vote of 417-0.

Committee Action: The bill was not considered by any House Committee

Cost to Taxpayers: A cost estimate for the modified Senate bill, which the House will be considering is not available.

Does the Bill Create New Federal Programs or Rules?: Yes.

Constitutional Authority: Senate Rules do not require Committees to identify the Congressional Authority for their bills.

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